IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2229 OF 2005

Shri.D.C.Shettigar and Ors. ..Applicants

Vs.

Shri.Raza Ali Khan & Anrs. ..Respondents

...

Mr.Subodh Desai Advocate for Applicants
Ms.S.V.Gajare, A.P.P. for the State
Respondent no.1-Complainant present in person

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 21, 2005

P.C.

1. Heard the learned advocate for the applicants, the respondent-original complainant and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Judicial Magistrate F.C. Vashi at C.B.D. Belapur in C.C.No.905/S/2002. In the said case process was issued against the applicants u/sec. 406 and other sections of IPC.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within six weeks from today. In view of this statement, the ad-interim stay granted by this Court, is extended for a period of six weeks from today.

. The respondent no.1-original complainant states that the said revision will be argued only on merits, however, four days advance notice of filing revision, shall be given to him. Accordingly, the

learned advocate for the applicants to give four days advance notice of filing the revision to the complainant.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]